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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/033,003	12/28/2001	Peter Thomas Camble	30014517-1	7856

7590 02/09/2005  
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EXAMINER	
HOSSAIN, TANIM M	
ART UNIT	PAPER NUMBER
2145	

DATE MAILED: 02/09/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b> 10/033,003	<b>Applicant(s)</b> CAMBLE ET AL.	
	<b>Examiner</b> Tanim Hossain	<b>Art Unit</b> 2145	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
  - If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
  - If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
  - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 28 December 2001.
- 2a) ☐ This action is **FINAL**.      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-23 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-23 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 28 December 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)  | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>08/12/2003</u> . | 6) <input type="checkbox"/> Other: _____  |

## DETAILED ACTION

### *Claim Rejections - 35 USC § 103*

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-6, 8, 12, 13-15, and 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Abboud (U.S. 6,636,958) in view of Schubert (U.S. 6,742,034).

As per claim 1, Abboud teaches a method for providing data storage capacity on demand comprising: partitioning at least a portion of a set of active data media storage slot elements and active data transfer elements of said data library, exclusive of said disabled set, into partitions for use by said end users; and redefining said sets in response to changes in storage capacity rights of said end users (column 6, lines 37-44; column 9, lines 46-64). Abboud does not specifically teach the disabling of slot and data transfer elements, thus disallowing user access to these elements. Schubert teaches the disabling of these elements, which effectively disallows access to these elements (column 8, lines 1-15; column 4, lines 42-57). It would have been obvious to one of ordinary skill in the art at the time of the invention to include the disabling of certain slot elements, which would in turn, disallow access to certain elements, as taught by Schubert in the system of Abboud. The motivation for doing so lies in the fact that if users need extra space, an efficient method to provision this would constitute the disabling of certain resources, so that space is freed up for those users. Both inventions are from the same field of endeavor, namely

the intelligent management of computer storage space.

As per claim 2, Abboud-Schubert teaches the method of claim 1, further comprising reserving at least a portion of said disabled set of data media storage slot elements and data transfer elements for present and future use by one of said end users (Abboud: 3; 1-14).

As per claim 3, Abboud-Schubert teaches the method of claim 1, wherein said redefining step further comprises moving at least one element of said second to said first set in response to an order from one of said end users for additional storage capacity (Abboud: 7; 21-36).

As per claim 4, Abboud-Schubert teaches the method of claim 3, but does not specifically teach charging the customer for additional storage capacity. Official notice is taken that the charging of customers for storage space is well known in the art. It would have been obvious to one of ordinary skill in the art to combine the well-known component of paid storage into the system of Abboud-Schubert, so this service would only be available to those users who really need it, adding to efficiency of the invention.

As per claim 5, Abboud-Schubert teaches the method of claim 1, wherein said data library is controlled by a storage service provider (Schubert: 1; 30-40).

As per claim 6, Abboud-Schubert teaches the method of claim 1, but does not specifically teach that the end users are customers of the storage service provider. It would have been obvious to one of ordinary skill in the art at the time of the invention to specifically include the limitation that the end users are customers of the storage service provider. For the storage provider to have utility, it must have customers, and having the end users of the system as the customers of the storage service provider would give the system utility.

As per claim 8, Abboud-Schubert teaches the method of claim 1, wherein said redefining

step comprises: moving at least one element of said second set to said first set in response to an order from said one end user for additional storage capacity and availability of said elements (Abboud: 10; 1-35, 7; 21-36).

As per claim 12, Abboud-Schubert teaches the method of claim 1, but does not specifically teach that the library is located on the premises of the end users. It would have been obvious to one of ordinary skill in the art to include the existence of the data library on the premises of the users, as in a computer system, where the user is located at the client computer, and the data library is also located at the same computer. The motivation for doing so lies in the fact that most computers have data libraries, and having this system at the premises of the user would allow for greater functionality of that computer.

As per claim 13, Abboud-Schubert teaches a method for providing data storage capacity on demand comprising: reserving a set of data media storage slot elements and data transfer elements in a data library for present and future use by a customer (Abboud: 3; 1-14); disabling a subset of said set of slot elements and data transfer elements (Schubert 8; 1-15, 4; 42-57); partitioning said reserved set into a subset of said set of slot elements and data transfer elements activated as a partition secured for use by said customer, wherein said subsets are exclusive of one another (Abboud: 7; 21-36); and redefining said partition by moving at least one element between said subsets in response to changes in storage capacity needs of said customer (Abboud: 10; 1-35, 7; 21-36)

As per claim 14, Abboud-Schubert teaches the method of claim 13, but does not specifically teach the adjusting of customer charges according to said redefining. Official notice

is taken that the adjustment in a pay-per-use paradigm is well known in the art. It would have been obvious to one of ordinary skill in the art at the time of the invention to include this well-known component of usage based charging into the system of Abboud-Schubert, to allow appropriate charges to be levied against users, based on how much usage has taken place.

As per claim 15, Abboud-Schubert teaches the method of claim 13, wherein said library is controlled by a storage service provider (Schubert: 1; 30-40).

Claim 16 is rejected on the same basis as claim 6.

As per claim 18, Abboud-Schubert teaches the method of claim 14, further comprising redefining said partitioned set by moving at least one element between said sets in response to a change in storage capacity needs of said customer and availability of said elements (Abboud: 7; 21-36).

Claims rejected under 35 U.S.C. 103(a) as being unpatentable over Abboud-Schubert in view of Darago (U.S. 6,606,664).

As per claim 7, Abboud-Schubert teaches the method of claim 1, but does not specifically teach the keying of the first elements on a license purchased by one of said users. Darago teaches the licensing of certain groups of services (4; 15-25). It would have been obvious to one of ordinary skill in the art at the time of the invention to include the ability to license a group of services, as taught by Darago in the system of Abboud-Schubert. The motivation for doing so lies in the fact that having a license to a specific service would allow protection of those services to users who have paid for it, which thus ensures that only those users that are serious about

these services can use them. All inventions are from the same field of endeavor, namely user-driven network provisioning.

As per claim 9, Abboud-Schubert-Darago teaches the method of claim 8, but does not specifically teach that the said availability is based in part on a license by one of said end users. It would have been obvious to one of ordinary skill in the art to include the distinction that availability is controlled by the licenses. It is an obvious component of licenses to make available a service to only those users with a license, and to make this service unavailable to those users who do not have a license.

As per claim 10, Abboud-Schubert-Darago teaches the method of claim 9, but does not specifically teach the blocking of a service in light of the user not having a license. It would have been obvious to one of ordinary skill in the art at the time of the invention to block users not having licenses. Licenses are purchased by the user, and only those users are allowed to access certain services. If a user did not purchase a server, he/she should not be allowed access to the system.

As per claim 11, Abboud-Schubert-Darago teaches the method of claim 9, further comprising the increasing of library capacity (Abboud: 1; 56-64). Abboud-Schubert-Darago does not specifically teach the increasing of the license for it. It would have been obvious to one of ordinary skill in the art at the time of the invention to include the ability to purchase further access rights. Most subscription services offer more services for an increased fee, which constitutes the extension of licensing capacity.

As per claim 11, Abboud-Schubert-Darago teaches the method of claim 9, further comprising extending licensed library capacity (Abboud: 1; 56-64).

As per claim 17, Abboud-Schubert-Darago teaches a method for limiting access to data storage capacity in a data library, said method comprising: disabling a set of slot elements and data transfer elements of said data library, disallowing access to said disabled set (Schubert: 8; 1-15, 4; 42-57); partitioning at least a portion of a set of active slot elements and active data transfer elements of said data library into partitions for use by one customer, wherein said sets are exclusive of one another (Abboud: 7; 21-36, 6; 37-44, 9; 46-64); and keying numbers of said elements in said partitioned set on a license purchased by said customer (Darago: 4; 15-25).

Claims 19, 20, and 21 are rejected on the same bases as claims 9,10, and 11 respectively.

Claim 22 is rejected on the same basis as claim 12.

As per claim 23, Abboud-Schubert-Darago teaches the method of claim 17, wherein said customer is a storage service provider (Schubert: 1; 30-40).

### ***Conclusion***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

a. Filepp (U.S. 5,442,771) teaches a method for storage on a network.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tanim Hossain whose telephone number is 571/272-3881. The examiner can normally be reached on 8:30 am - 5 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Valencia Martin-Wallace can be reached at 703/305-8062. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.



Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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